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**UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

ZOOBUH, INC., a Utah Corporation

Plaintiff,

vs.

ALCUDA, LTD; DOES 1-40,

Defendants.

**MOTION AND MEMORANDUM FOR
ENTRY OF DEFAULT**

Case No.: 2:14cv00228 DBP

Magistrate Judge Dustin B. Pead

Pursuant to Fed. R. Civ. P. 55(b)(1), Plaintiff respectfully moves the Clerk of Court for entry of a Judgment by Default herein.

As grounds, and as more particularly set forth in the Affidavit of Jordan K. Cameron, Defendant Alcuda, Ltd. (“**Defendant**”) has been regularly and duly served with the Summons, Complaint and Errata to Complaint, return thereof having been duly and regularly filed in the records of this action. The time for the response to such has expired, Defendant has failed and/or refused to respond thereto or otherwise defend, and the relief requested in the Complaint is

reasonable and appropriate under the circumstances.

The Complaint specifies a specific sum of damages in the Request for Relief, specifically, a total aggregate damage amount in not less than \$4,557,500.00.

As the Complaint specifies the sum of damages, the Clerk of Court can enter default and judgment pursuant to Fed. R. Civ. P. 55(b)(1) which states, “If the plaintiff’s claim is for a sum certain or a sum that can be made certain by computation, the clerk—on the plaintiff’s request, with an affidavit showing the amount due—must enter judgment for that amount and costs against a defendant who has been defaulted for not appearing and who is neither a minor nor an incompetent person.”

A proposed form Judgment by Default and Motion of Entry of Default is lodged herewith.

DATED this 15th day of July, 2014.

DURHAM, JONES & PINEGAR, P.C.

/s/ Jordan K. Cameron

Wm. Kelly Nash

Jordan K. Cameron

Attorneys for Plaintiff